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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,708	01/24/2001	Toshinori Obata	ASA-960	3677

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EXAMINER	
KIANERSI, MITRA	

ART UNIT	PAPER NUMBER
2143	5

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/767,708	OBATA, TOSHINORI	
	Examiner	Art Unit	
	mitra kianersi	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 January 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. 2000-018480.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claims 1-11 have been examined.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Knight et al. (US Patent No. 6,289,375).

1. As per claim 1, an information processing system (information processing network, abstract) comprising a plurality of host systems (multiple host computer, abstract) each having resources including a plurality of instruction processors (sequence of processor-executable instructions, col 41, line 6)
a plurality of memory segments, (system memory 15) wherein each of said host systems has a system status monitoring resource utilization information (data gathering and monitoring functions, col 8, lines 32-33) and change instructing mechanism for managing statuses of said resources by a status management table, (maintain all this information in tables in the manager, col 15, lines 59-60) and said system status monitoring and change instructing mechanism has means for instructing an enhancement or reduction of an ability of a self host system in accordance with said status management table in accordance with a load that is applied to the self host system. (program segments are loaded into memory 302 from storage as needed. Col 7, lines 45-46)

2. As per claim 2, a system wherein said system status monitoring and change instructing mechanism has means for instructing the enhancement of the ability using the resources of another host system in accordance with said status management table

in accordance with the load that is applied to the self host system. (enhance the capability to monitor devices using a distributed monitoring program. Col 2, lines 62-64)

3. As per claim 3, a system wherein said system status monitoring and change instructing mechanisms of said host systems are mutually connected, arbitrary two host systems which establish a mutual hot standby have a first resource for an ordinary operation of the self host system and a second resource for hot standby to another host system, use said first resource at the time of the ordinary operation, and use said second resource upon hot standby switching. (the hosts are connected to each other (and optionally to a separate computer system which executes the manager via a second network, designated the information processing (IP) network. The IP network typically operates in accordance with a TCP/IP. The IP network is designed to readily support client-server communication. Therefore, the IP network supports communication among manager and agents. Col 3, lines 64-67) and (col 4, lines 1-4)

4. As per claim 4, a system wherein said arbitrary two host systems which establish the mutual hot standby have a third resource which can be allocated at the time of said ordinary operation and at the time of said hot standby switching. (three of the storage networks shown in FIGS. 1, 2A and 2B can be monitored and managed using the storage management program, col 6, lines 30-35)

5. As per claim 5, an information processing system comprising a plurality of host systems which mutually independently operate and include instruction processors and memory segments (system memory, col 2, lines 62-64) and in which there is a surplus in the resources, wherein each of said host systems has a system status monitoring and change instructing mechanism which is physically independent of other component elements in said relevant host system monitoring resource utilization information and has an operating status management table of said resources (maintain all this information in tables in the manager, col 15, lines 59-60) and each of said host systems has a function for automatically enhancing or reducing an ability of a self host system in

accordance with said status management table in accordance with a load that is applied to the self host system. (program segments are loaded into memory 302 from storage as needed. Col 7, lines 45-46)

6. Claims 6-8 recite the same limitations as claim 2-4. Therefore, they are analyzed and rejected by the same rationale.

7. As per claim 9, a system wherein each of said host systems is connected to a remote console for integratedly managing all of the host systems, and each of the host systems has a function for setting a threshold value for said automatic enhancement or reduction in response to an instruction from said remote console. (a pre-determined threshold, col 25, line 18)

8. As per claim 10, a control method for an information processing system having a plurality of instruction processors and a plurality of memory segments, comprising the steps of: setting an upper limit value and a lower limit value of a mean use rate of said plurality of instruction processors as a stable operating range; (a range of values, col 64, line 1) activating the inactive instruction processors when said mean use rate of said instruction processors exceeds said upper limit value during the operation; and inactivating the active instruction processor when said mean use rate of said instruction processors is lower than said lower limit value during the operation.(the number of devices in a loop or string may exceed a pre-determined threshold, or cross-connecting of two separate networks on a single adapter . col 25, lines 17-19)

9. As per claim 11, a method further comprising the steps of: setting an upper limit value and a lower limit value of the mean number of paging occurrence times of said plurality of memory segments as a stable operating range; periodic intervals146 activating the inactive memory segments when said mean number of paging occurrence times of said memory segments exceeds said upper limit value during the operation; and inactivating the active memory segment when said mean number of paging

occurrence times of said memory segments is lower than said lower limit value during the operation. (the number of devices in a loop or string may exceed a pre-determined threshold, or cross-connecting of two separate networks on a single adapter. Col 25, lines 17-19)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (703) 305-4650. The examiner can normally be reached on 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Mitra Kianersi
May/17/2004

DAVID WILEY
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